

Adopted	Rejected
---------	----------

COMMITTEE REPORT

YES:	7
NO:	6

MR. SPEAKER:

*Your Committee on Labor and Employment, to which was referred House Bill 1788, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill **be amended** as follows:*

- 1 Page 6, after line 17, begin a new paragraph and insert:
- 2 "SECTION 5. IC 22-4-15-1 IS AMENDED TO READ AS
- 3 FOLLOWS [EFFECTIVE JULY 1, 1999]: Sec. 1. (a) With respect to
- 4 benefit periods established on and after July 6, 1980, an individual who
- 5 has voluntarily left his employment without good cause in connection
- 6 with the work or who was discharged from his employment for just
- 7 cause is ineligible for ~~waiting period~~ or benefit rights for the week in
- 8 which the disqualifying separation occurred and until he has earned
- 9 remuneration in employment equal to or exceeding the weekly benefit
- 10 amount of his claim in each of eight (8) weeks. If the qualification
- 11 amount has not been earned at the expiration of an individual's benefit
- 12 period, the unearned amount shall be carried forward to an extended
- 13 benefit period or to the benefit period of a subsequent claim.
- 14 (b) ~~When it has been determined that an individual has been~~

separated from employment under disqualifying conditions as outlined in this section; the maximum benefit amount of his current claim; as initially determined; shall be reduced by twenty-five percent (25%). If twenty-five percent (25%) of the maximum benefit amount is not an even dollar amount, the amount of such reduction will be raised to the next higher even dollar amount. When twenty-five percent (25%) of the maximum benefit amount, as initially determined, exceeds the unpaid balance remaining in the claim, such reduction will be limited to the unpaid balance.

(e) The disqualifications provided in this section shall be subject to the following modifications:

(1) An individual shall not be subject to disqualification because of separation from his prior employment if:

(A) he left to accept with another employer previously secured permanent full-time work which offered reasonable expectation of betterment of wages or working conditions and thereafter was employed on said job for not less than ten (10) weeks;

(B) having been simultaneously employed by two (2) employers, he leaves one (1) such employer voluntarily without good cause in connection with the work but remains in employment with the second employer with a reasonable expectation of continued employment; or

(C) he left to accept recall made by a base-period employer.

(2) An individual whose unemployment is the result of medically substantiated physical disability and who is involuntarily unemployed after having made reasonable efforts to maintain the employment relationship shall not be subject to disqualification under this section for such separation.

(3) An individual who left work to enter the armed forces of the United States shall not be subject to disqualification under this section for such leaving of work.

(4) An individual whose employment is terminated under the compulsory retirement provision of a collective bargaining agreement to which the employer is a party, or under any other plan, system, or program, public or private, providing for compulsory retirement and who is otherwise eligible shall not be deemed to have left his work voluntarily without good cause in

1 connection with the work. However, if such individual
 2 subsequently becomes reemployed and thereafter voluntarily
 3 leaves work without good cause in connection with the work, he
 4 shall be deemed ineligible as outlined in this section.

5 (5) An otherwise eligible individual shall not be denied benefits
 6 for any week because he is in training approved under Section
 7 236(a)(1) of the Trade Act of 1974, nor shall the individual be
 8 denied benefits by reason of leaving work to enter such training,
 9 provided the work left is not suitable employment, or because of
 10 the application to any week in training of provisions in this law
 11 (or any applicable federal unemployment compensation law),
 12 relating to availability for work, active search for work, or refusal
 13 to accept work. For purposes of this subdivision, the term
 14 "suitable employment" means with respect to an individual, work
 15 of a substantially equal or higher skill level than the individual's
 16 past adversely affected employment (as defined for purposes of
 17 the Trade Act of 1974), and wages for such work at not less than
 18 eighty percent (80%) of the individual's average weekly wage as
 19 determined for the purposes of the Trade Act of 1974.

20 (6) An individual is not subject to disqualification because of
 21 separation from the individual's prior employment if:

22 (A) the prior employment was outside the individual's labor
 23 market;

24 (B) the individual left to accept previously secured full-time
 25 work with an employer in the individual's labor market; and

26 (C) the individual actually became employed with the
 27 employer in the individual's labor market.

28 (7) An individual who, but for the voluntary separation to move
 29 to another labor market to join a spouse who had moved to that
 30 labor market, shall not be disqualified for that voluntary
 31 separation, if the individual is otherwise eligible for benefits.
 32 Benefits paid to the spouse whose eligibility is established under
 33 this subdivision shall not be charged against the employer from
 34 whom the spouse voluntarily separated.

35 As used in this subsection, "labor market" means the area surrounding
 36 an individual's permanent residence, outside which the individual
 37 cannot reasonably commute on a daily basis. In determining whether
 38 an individual can reasonably commute under this subdivision, the

1 department shall consider the nature of the individual's job.
2 ~~(d)~~ (c) "Discharge for just cause" as used in this section is defined
3 to include but not be limited to:
4 (1) separation initiated by an employer for falsification of an
5 employment application to obtain employment through
6 subterfuge;
7 (2) knowing violation of a reasonable and uniformly enforced rule
8 of an employer;
9 (3) unsatisfactory attendance, if the individual cannot show good
10 cause for absences or tardiness;
11 (4) damaging the employer's property through willful negligence;
12 (5) refusing to obey instructions;
13 (6) reporting to work under the influence of alcohol or drugs or
14 consuming alcohol or drugs on employer's premises during
15 working hours;
16 (7) conduct endangering safety of self or coworkers; or
17 (8) incarceration in jail following conviction of a misdemeanor or
18 felony by a court of competent jurisdiction or for any breach of
19 duty in connection with work which is reasonably owed an
20 employer by an employee."
(Reference is to HB 1788 as introduced.)

and when so amended that said bill do pass.

Representative Liggett